

AS

Notice of Allowability	Application No.		Applicant(s)	
	09/891,007		BRUCE ET AL.	
	Examiner		Art Unit	
	George R. Koch III		1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/26/2004.
2. ☒ The allowed claim(s) is/are 1-6, 8, 10, 12-17, 27-32, 41-48, 50-53.
3. ☒ The drawings filed on 25 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20040226</u> & <u>20040322</u> 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jason Link on 3/22/2004.

The application has been amended as follows:

Claim 1, line 8, after "first reservoir;" insert --a flow controller; --

Claim 1, lines 10 and 11, delete "to control an adjustment of the volume of the solution in the first reservoir." and insert --to the flow controller to control the flow of the solution so as to control the volume of the solution in the first reservoir.--

Claim 5, line 1, delete "further comprising a", insert --wherein the--

Claim 5, line 2, delete "positionable", insert --is positioned--

Claim 5, lines 3-5, delete "; and wherein the detector is operable to generate a signal to the flow controller to control the flow of the solution to the first reservoir"

Claim 43, line 9, after "first volume," insert --a flow controller; --

Claim 43, lines 11 and 12, delete "to control an adjustment of the first volume of the solution." and insert --to the flow controller to control the flow of the solution so as to control the amount of the solution in the first volume of the solution.--

Claim 46, line 1, delete "further comprising a", insert --wherein the--

Claim 46, line 2, delete "positionable", insert --is positioned--

Claim 46, lines 3-5, delete "; and wherein the detector is operable to generate a signal to the flow controller to control the flow of the solution to the first volume of solution"

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/26/2004 has been entered.

3. Claims 1-6, 8, 10, 12-17, 27-32, 41-48, and 50-53 are allowed.

4. The following is an examiner's statement of reasons for allowance: Applicant's reply has overcome the following rejection(s): With respect to claims 1-6, 8, 10, 12-17, 41 and 51, applicants remarks on page 20 of the response filed 11/26/2003 point out that the prior art of record that the detector is operable to generate a signal to the flow controller to control the flow of solution to the first reservoir, which is not disclosed in the prior art. With respect to claims 43-48, 50 and 53, it is noted that the prior art does not operable to generate a signal to the flow controller to control the flow of the solution to the first volume of solution. Furthermore, with respect to claims 27-32, 42, and 52, the prior art of record does not, as noted in applicants remarks (filed 11/26/2003) on page 22, disclose that the detector is operable to generate a signal to the flow controller in response to the monitored solution level of the auxillary reservoir.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230. The examiner can normally be reached on M-Th 10-7.

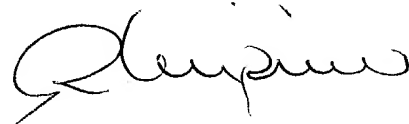
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III
March 22, 2004



RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700